

REMARKS

In the office action mailed on February 13, 2007, claims 148, 153, 155 and 156 were objected to, while claims 139-191 were rejected. In response, the claims have been modified as indicated above. Based upon these amendments, and the remarks below, Applicant submits that the claims are now allowable and requests issuance of the present application.

Claim Objections

With respect to the claim objections, the typing error in Claim 148 has been corrected by deleting the duplicate term "the image". Further, the typing errors in Claims 153, 155 and 156 have been corrected, with the numerals "139", "140" and "141" being replaced by "149", "150" and "151", respectively.

Claim Rejections under 35 USC § 102

Claims 139-143, 147-152, 155-160, 163-169, 172-178, 181-187, 190-191 have been rejected under 35 USC §102(b) as anticipated by Kakiyama et al. To provide clarity regarding the present invention, the pending claims have been amended to specify that the image to be displayed is animated. To achieve this animation, at least one part image, amongst a set of part images, has specified animation properties. Claims 139, 140, 141, 149 to 151, 157 to 159, 166 to 168, 175 to 177 and 184 to 186 have been amended to specify that an animation property is being used as part of the image. This improves the images presented to a user by making the images animated, and thus more interesting.

The specification describes animated image formation in numerous places, including page 10, lines 10 to page 11, line 34. The basis for the phrase "specifying an animation property for at least one part image in said set of part images" can be found in the specification on page 15, Table 2, and the associated text (it is clear that the properties in Table 2 can be thought of as animation properties). Naturally, the claims are not limited to the embodiments disclosed in the specification, but this portion of the specification provides context.

The cited prior art (including, US 5,600,767, EP 0,603,892 and EP 0,669,600 and JP 08172622) does not describe animated image generation and thus does not anticipate the rejected claims. Rather, the cited references are, at most, concerned with creating or

managing a static portrait image or similar.

Referring now to the detail of the prior art, the image creation device described in Kakiyama et al. (US 5,600,767 and its equivalent EP 0,669,600), combines a plurality of part images into a target image. This device does not provide means for setting properties (e.g. color, texture, cladding transparency) of the part images. More importantly, this device does not provide means for setting animation properties (e.g. direction, type or speed of movement) of the part images.

As mentioned, nothing in Kakiyama et al. supports or suggests making the images animated. In fact, the device described teaches away from making the images animated, since the described systems are concerned with creating a target image or an image which is very close to the target, suggesting that a degree of accuracy is required when selecting and positioning parts etc. If the image parts were to be animated this would detract from the accuracy of the image in relation to the target as contemplated by this reference.

Although not discussed in detail in the office action, it is noteworthy that the additional cited references do not contain teaching to remedy the shortcoming in Kakiyama et al. EP 0,603,892 (Murata) describes an object-image displaying apparatus which includes a plurality of part designating switches that correspond to parts of a human body, for example eyes, ears etc. A suitable image can be selected using these switches in order to compose a complete image. However, it is not possible to specify a position for the part image, because the position of the selected part image is predetermined and non-changeable. Also, JP 08172622 (Uchiumi et al.) describes image transmission terminal equipment for transmitting individual image signals through the telephone network. The image signals are received and are converted into a composite image for display, depending upon an image selection control signal. This document does not describe specifying a position to be occupied by the individual images.

The Applicant contends that none of the documents cited by the Examiner suggests a method for generating an animated image. It is further noted however that, even if the skilled person was inclined to animate the image presented in the particular devices described, there is nothing within these documents, when taken individually or in combination, to suggest how the images would be animated (i.e. by specifying an animation property for the image). A person would have to exercise some inventive skill in order to arrive at the present invention from any of these documents.

As set forth in the claims, the present invention provides steps for the handling of

animated images. These aspects of the present claims are not taught by the prior art. As such, the above referenced rejections under 35 USC §102 are inappropriate and the Applicant requests that the rejected claims be allowed.

Double Patenting

Claims 193, 149, 157, 166, 175 and 184 were rejected on the grounds of non-statutory double patenting over certain claims of Kakiyama et al. (U.S. Patent No. 5,600,767). The clarifying amendments discussed above have been made to distinguish the pending claims from the teaching of Kakiyama et al. These amendments and the related comments also distinguish the pending claims from the claims of Kakiyama et al. Thus, Applicant submits that the double patenting rejections are no longer appropriate.

Claim Rejections under 35 USC § 103

In addition to the rejections outlined above, the February 13, 2007 office action rejected claims 144-146, 153-154, 161-162, 170-171, 179-181, and 188-189 as being obvious variations of Kakiyama et al. In light of Haataja (U.S. Patent 6,137,836). Consistent with the remarks above, Applicant submits that the cited references do not provide sufficient teaching to render the claims obvious. Consequently, these rejections are inappropriate and Applicant requests allowance of these claims.

The Kakiyama et al. reference is discussed in detail above. All comments listed are equally applicable here. In addition, Applicant submits that the shortcomings of Kakiyama et al. are simply fatal and cannot form the basis for any obviousness finding.

In addition to the shortcomings of Kakiyama et al., the Applicant submits that Haataja does not provide the necessary additional teaching to make obvious the claims listed above. Haataja relates to the concept of utilizing primitive pictures in a display. These primitive pictures are easily describable using very simplistic geometric components. As such, Haataja's focus is the simplicity of the display and the avoidance of complexities. Conversely, the claimed invention, as outlined in the claims above, deals with the use of animation in a display. This use of animation provides the type of complexity that Haataja was specifically attempting to avoid. As such, the present invention addresses a problem for which the cited references do not provide a necessary solution. Consequently, these cited references do not render obvious the above listed claims. Applicant requests that this obviousness rejection be removed.

CONCLUSION

In light of the above amendments and arguments Applicant asserts that the invention as claimed is both novel and non-obvious over the prior art. It is respectfully requested that the Examiner will find these claims allowable and pass the present application to issuance.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7387. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference No. 22557-3013).

Respectfully submitted,

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